

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

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GARY D. McFARLAND  
CLERK


IN THE MATTER OF  
THE APPOINTMENT OF  
A HISTORIAN.

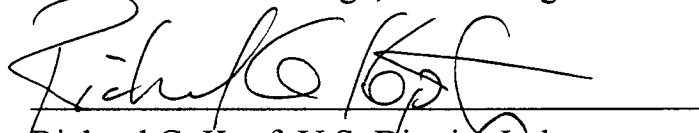
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**ORDER** No. 99-03

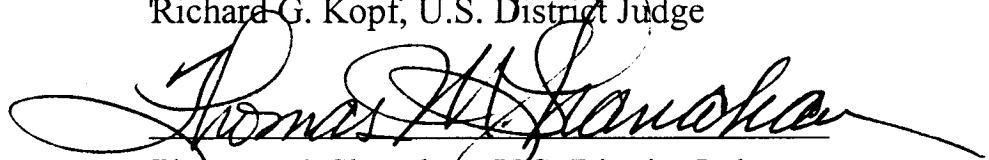
IT IS ORDERED that Dr. John Wunder of the University of Nebraska is appointed the historian for the United States District Court for the District of Nebraska for the purpose of preparing a history of the United States District Court for the District of Nebraska, pursuant to the terms of a contract entered into by and between Dr. Wunder and the Nebraska Branch of the Historical Society of the United States Court of Appeals for the Eighth Circuit. This appointment may be terminated at any time by the Court without notice and is made for the sole purpose of facilitating Dr. Wunder's research efforts in accordance with the foregoing described contract.

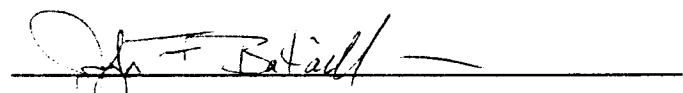
DATED this 31<sup>st</sup> day of March, 1999.

BY THE COURT:

  
William G. Cambridge, Chief Judge

  
Richard G. Kopf, U.S. District Judge

  
Thomas M. Shanahan, U.S. District Judge

  
Joseph F. Bataillon, U.S. District Judge

## MEMORANDUM OF AGREEMENT

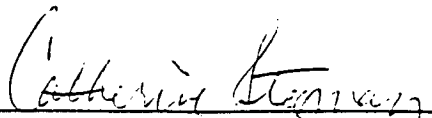
THIS MEMORANDUM OF AGREEMENT is entered into this 19<sup>th</sup> day of February, 1999, by and between the District of Nebraska branch of the Eighth Circuit Historical Society, hereinafter called Nebraska, and John R. Wunder, hereinafter called Wunder.

1. Nebraska seeks to engage Wunder as an independent contractor to write a comprehensive history of the United States District Court for the District of Nebraska, commencing with the Standing Bear case, and ending with the Wounded Knee cases.
2. Wunder is willing to accept the engagement upon the terms and conditions hereinafter set forth.
3. Nebraska shall pay Wunder the sum of \$15,000.00 for said history. \$10,000.00 shall be considered as Wunder's fee, and \$5,000.00 shall be allocated to expenses, such as travel, lodging, photocopying and the like. Any portion of the \$5,000.00 not utilized for expenses, when the history is complete, shall be retained by Wunder as an addition to his fee. If Wunder's expenses exceed the sum of \$5,000.00, Wunder shall apply to Nebraska for enough additional funds to cover his actual expenses. Upon determining that said expenses were reasonable, Nebraska shall reimburse Wunder for those actual reasonable expenses. Wunder shall submit expense statements to Nebraska monthly.
4. Wunder's fee, other than that portion to be paid to Husmann, shall be paid to Wunder as follows: \$2,500.00 in January, 2000; \$2,500.00 in January, 2001; and \$2,000 plus any unexpended expense money, upon completion of the history.
5. Wunder shall have the right to employ John Husmann as a research assistant for this history. Husmann shall be paid the sum of \$3,000.00, which shall be a credit against Wunder's \$10,000.00 fee. Husmann shall submit a statement monthly to Wunder, who shall approve the


same, and then submit it to Nebraska, who shall pay Husmann directly. No withholding shall be made on sums due either Wunder or Husmann.


6. Husmann shall begin work on this history in February, 1999, and Nebraska will make every reasonable effort to furnish him with records and case materials needed for the history. Husmann shall request such materials from Nebraska, which will furnish them either in Lincoln, Nebraska, or Omaha, Nebraska, unless said materials are in the federal archives at Kansas City, Missouri.
7. Nebraska shall use its best efforts to see that Wunder is appointed as the official historian of the United States District Court for the District of Nebraska for the duration of this project.
8. Wunder will exert all reasonable efforts to conclude the history by March, 2001. Wunder will exert all reasonable efforts to have the history published by a major commercial or academic publisher, such as the University of Nebraska Press. The author's share of any such profits, for a period of ten years, shall be divided equally between Wunder and Nebraska, and thereafter shall inure solely to Wunder. Copyright shall be in Wunder's name.
9. Nebraska will make every reasonable effort to assist Wunder with secretarial services and with space for writing and the storage of records and materials in the United States Court House in Lincoln, Nebraska. Nebraska will assist Wunder, at no charge, in the duplication and photocopying of materials for the history.
10. Wunder shall attend each annual meeting of Nebraska during the period the history is in progress, to report on his progress.

DISTRICT OF NEBRASKA BRANCH,  
EIGHTH CIRCUIT HISTORICAL SOCIETY

  
Secretary

By

  
President

  
John R. Wunder